

Vice Chairman Landis called the regularly scheduled meeting to order at 10:01 a.m. with Commissioners Boyle, Landis and Schram present, and Commissioners Johnson and Vap excused.

Vice Chairman Landis invited the public to address the Commission. Vice Chairman Landis also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room.

Shana Knutson introduced the Commission's new law clerk, Tom Green. Mr. Green is a second year law student at the University of Nebraska-Lincoln College of Law.

#### GENERAL ADMINISTRATION

Notice was duly published May 16, 2007 on Page 7 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held May 23, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

#### Wednesday, May 23, 2007:

DR-0001 Commission Hearing Room, Lincoln.  
11:00 In the Matter of the Petition for Declaratory Ruling of CUSA ES LLC, d/b/a Express Shuttle, seeking a determination that certain single state transportation of railroad train crews performed under contract is interstate in nature and therefore not subject to the Commission's jurisdiction. Commissioner Landis presiding as Hearing Officer.

#### Thursday, May 24, 2007:

1:30 Commission Library, Lincoln.  
NUSF Advisory Board Meeting.

#### COMMUNICATIONS DEPARTMENT

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Rod Johnson presiding as Hearing Officer: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order authorizing payment. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3757/ DC-74 In the Matter of Commission, on its own motion, regarding 2006 Annual Report filings: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order to show cause. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

C-3792 In the Matter of United American Technology, Inc., Edmond, Oklahoma, seeking authority to operate as an interexchange carrier of telecommunication services within the State of Nebraska. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the applications. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

C-3794 In the Matter of Trinsic Communications, Inc., Touch 1 Communications, Inc., Tampa, Florida, and any Successor in Interest, including Chapter 7 Bankruptcy Trustee and Matrix Telecom, Inc., Dallas, Texas, seeking approval of a transfer of assets. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

C-3795 In the Matter of Pinpoint Communications, Cambridge, seeking authority to adopt the trade name Pinpoint Network Services, LLC: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Gene Hand reported on how wireless carriers assess sales and occupation taxes which are determined by the Primary Place of Use (PPU) which may not be the billing address. The PPU is a result of the Federal Telecommunications Mobile Sourcing Act passed in 2000.

C-3793 In the Matter of United Telephone Company of the West, d/b/a Embarq, Overland Park, Kansas, seeking approval of an Interconnection, Collocation and Resale Agreement with Allo Communications, LLC, Imperial: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

COMMUNICATIONS DEPARTMENT (Cont.)

E-2140 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Frank Landis, to enter an order approving, in part, the funding request for equipment costs. Motion passed with Commissioners Anne Boyle and Frank Landis voting AYE; Commissioner Tim Schram present, but abstaining due to a potential conflict; and Commissioners Rod Johnson and Jerry Vap excused not voting.

Commissioner Schram moved to approve all agenda items from Docket No. 911-023.03 to Docket No. 911-023.59. Commissioner Boyle seconded the motion. After discussion, Commissioner Schram withdrew his motion.

911-023.03 In the Matter of Buffalo County, Kearney, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving, in part, a funding request for equipment costs. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.13 In the Matter of Keith County, Public Safety Answering Point, Ogallala, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 2:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Vap was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.20 In the Matter of Furnas County, Public Safety Answering Point, Beaver City, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving, in part, a funding request for equipment costs. Motion passed with Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.30 In the Matter of Box Butte County, Public Safety Answering Point, Alliance, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter a Nunc Pro Tunc order correcting the order entered on May 15, 2007. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.35 In the Matter of Fillmore County, Public Safety Answering Point, Geneva, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Johnson was appointed as Hearing Officer.

911-023.36 In the Matter of the City of Lincoln/Lancaster County, Lincoln, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 2:30 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Landis was appointed as Hearing Officer.

911-023.52 In the Matter of Nuckolls County, Public Safety Answering Point, Nelson, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Johnson was appointed as Hearing Officer.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.53 In the Matter of Saunders County, Public Safety Answering Point, Wahoo, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Schram was appointed as Hearing Officer.

911-023.58 In the Matter of Thayer County, Public Safety Answering Point, Hebron, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order scheduling a hearing for June 12, 2007, at 1:00 p.m. in the Commission Hearing Room, Lincoln. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting. Commissioner Johnson was appointed as Hearing Officer.

911-023.59 In the Matter of Burt County, Public Safety Answering Point, Tekamah, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving a funding request for initial GIS data development. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.10 In the Matter of Hamilton County, Public Safety Answering Point, Aurora, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving a funding request for Phase II LEC costs. Commissioner Schram stated that the contractual agreement between the LEC and the County Board should be respected. Commissioner Boyle noted that the public should have access to how public funds are used. Motion passed with Commissioners Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.41 In the Matter of Seward County, Public Safety Answering Point, Seward, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving a funding request for Phase II LEC costs. Motion passed with Commissioners Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioners Rod Johnson and Jerry Vap excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.59 In the Matter of Burt County, Public Safety Answering Point, Tekamah, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order approving a funding request for Phase I implementation costs. Motion passed with Commissioners Frank Landis and Tim Schram voting AYE, Commissioner Anne Boyle voting NAY, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to enter an order approving funding requests for GIS data development for Dockets 911-023.62 and 911-023.63. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

911-023.62 In the Matter of Thurston County, Public Safety Answering Point, Pender, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation:

911-023.63 In the Matter of Franklin County, Public Safety Answering Point, Franklin, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation.

Jeff Pursley informed the Commission that the next Wireless E911 Advisory Board meeting is scheduled for July 9, 2007, at 10:00 a.m. in the Atrium Conference Room, 1200 N Street, Suite 206, Lincoln.

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act: Jeff Pursley discussed the change in the surcharge rate and the submission of the NUSF Remittance worksheets and payments for the April, 2007 data period, due May 15, 2007. Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve a one-time waiver for companies reporting and remitting their April, 2007 NUSF surcharges at the previous rate of 5.75%. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

NUSF-25/  
PO #18 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of federal universal service support: Jeff Pursley discussed a waiver of the rules for this docket.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

NUSF-66 In the Matter of the Commission, on its own motion, seeking to establish guidelines for the purpose of certifying the use of state universal service support: Jeff Pursley discussed a waiver of the rules for this docket.

Jeff Pursley informed the Commission that the Federal Communications Commission (FCC) is seeking comments on the recommendation to cap high-cost funding. After Commission discussion, it was decided not to seek an extension of time for filing comments to the FCC.

NATURAL GAS DEPARTMENT

NG-0041 In the Matter of Aquila, Inc., d/b/a Aquila Networks (Aquila), Omaha, seeking individual general rate increases for Aquila's Rate Area One, Rate Area Two, and Rate Area Three. Commissioner Landis presiding as Hearing Officer: Laura Demman discussed the Town Hall Meetings held the previous week and reported the following numbers of attendees at each location: Madison and Blair: none; York: Four members of the public; and Papillion: One member of the public.

DR-0002/ In the Matter of the Petition of the Nebraska Public  
NG-0047 Advocate for a Declaratory Ruling seeking a determination that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC, improperly implemented interim and final rates in Docket NG-0036 for which customers are entitled to a credit or refund: Laura Demman discussed the May 15, 1997 filing and the proposed procedural schedule.

LEGISLATIVE REPORT & ACTION

Nichole Underhill reported on the passage of LB 198 and the Governor's veto. She also reported on the advancement of LB 358 and budget bills, in which the Commission budget was not affected by any gubernatorial line item veto.

TRANSPORTATION DEPARTMENT

M-14191 In the Matter of 911 Moving, LLC, Omaha, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods between points in Douglas County and Sarpy County and between points in said counties by moving truck. Commissioner Boyle presiding as Hearing Officer: The oral argument previously scheduled for May 15, 2007 was continued to June 5, 2007, at 11:00 a.m. in the Commission Hearing Room, Lincoln.

TRANSPORTATION DEPARTMENT (Cont.)

B-1494 In the Matter of Midlands Services Link, Inc., Omaha, seeking to acquire, through transfer, the authority granted to All Nations Church of the Lord Jesus Christ, d/b/a All Nations Specialized Transport & Travel Service: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter a notice of pending dismissal. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

B-1682 In the Matter of Standfast Medical Transportation, Omaha, seeking authority as a common carrier of passengers and their baggage in Nebraska intrastate commerce in open class service between points in Douglas and Sarpy counties, and between Douglas and Sarpy counties, on the one hand, and, on the other hand, points in Nebraska over irregular routes. RESTRICTED: The transportation of railroad train crews and their baggage is not authorized: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter a notice of pending dismissal. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Rate Division

MR-930 In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Household Goods Tariff 7-F: The fuel surcharge remained at 68 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

DAS Materiel - Office Supplies	\$ 543.92
Mark Masterton	551.25
Rod Johnson	131.17
Rod Johnson	609.03

NEBRASKA EQUIPMENT DISTRIBUTION PROGRAM

Aksarben TDD Service	\$ 3,725.35
Associated Ear, Nose & Throat	2,073.45
B Hear, Inc.	5,781.08
Beltone	3,253.00
Grand Island Hearing Aid	1,543.00
Harris Communications	232.40
Hearing Aid Center of Columbus	229.95



GENERAL ADMINISTRATION (Cont.)

Hearing Aid Specialists	\$ 194.95
Carl A. Johnson Junior	859.40
K-D Communications	3,617.40
League of Human Dignity	998.45
McCook Pharmacy & Medical Supply	175.95
Professional Hearing Aid Services	1,809.60
Midwest Hearing Consultants	1,931.50
Sound Clarity, Inc.	252.15
Teltex	1,441.55
Western ENT Associates	238.95

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to contract with the Environmental Systems Research Institute, Inc. to acquire license rights to mapping software and retain maintenance services. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Upon agreement of all Commissioners present, authorization was granted for Commissioner Tim Schram to travel to and attend the Mid-America Regulatory Commissioners (MARC) Annual Conference to be held in Minneapolis, Minnesota from June 16 through 18, 2007 with partial expenses to be paid by MARC.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the Executive Director's recommendation to make an offer for the Accountant I position. Motion passed with Commissioners Anne Boyle, Frank Landis and Tim Schram voting AYE, and Commissioners Rod Johnson and Jerry Vap excused not voting.

Motion made by Commissioner Anne Boyle, seconded by Commissioner Tim Schram, to approve the surplus of all old, non-inventoried modular furniture. Motion passed with Commissioners Anne Boyle and Tim Schram voting AYE, Commissioner Frank Landis voting NAY, and Commissioners Rod Johnson and Jerry Vap excused not voting.

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The meeting adjourned at 10:47 a.m. with Commissioners Boyle, Landis and Schram present, and Commissioners Johnson and Vap excused. The next regularly scheduled meeting will be held on Wednesday, May 30, 2007, at 9:00 a.m. with an agenda to be available in the office of the Executive Director at 9:00 a.m. on May 29, 2007.

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Vice Chairman

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Executive Director